

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVEN WYNN, ELAINE WYNN,
WYNN RESORTS LIMITED AND
WYNN RESORTS L.L.C.

Plaintiffs,

vs.

LEXINGTON INSURANCE COMPANY, and
ALLIED WORLD ASSURANCE COMPANY (US)
INC.,

Defendants.

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: 07 CV 7604 (NRB) (MHD)

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: **[PROPOSED] ORDER**

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Defendants Lexington Insurance Company and Allied World Assurance Company (US) Inc., having filed a Motion to Compel Appraisal and to Stay Pending Action, together with a Memorandum of Law in support and accompanying Declaration of Christopher J. Marino, and this Court having considered any opposition and reply memoranda filed in connection therewith, it is hereby:

ORDERED that Defendants' Motion to Compel Appraisal and to Stay Pending Action is **GRANTED**.

It is further,

ORDERED that Plaintiffs and Defendants shall serve upon each other the names of their respective chosen appraisers within ten (10) days of this Order; and

ORDERED that this Court shall retain jurisdiction to resolve any disputes as to the choice of a mutually agreeable umpire, as required under the relevant insurance policies.

SO ORDERED.

DATED: New York, New York

_____, 2008

NAOMI R. BUCHWALD
United States District Judge